

In the Matter of:)
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Protecting and Promoting the) GN Docket No. 14-28
Open Internet)
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After much debate it was decided that this ‘commercial innovation’ would be allowed as long as the standard lanes were always equally open to the other vendors and that the standard lanes would increase in speed each year at some rate.

The Gregg Company was one of the companies that took advantage of this and created a fast lane to its many web services, increasing its share of the market because of the faster performance of its site and services.

Phase III

Later, the Gregg Company, decided that it could increase its market reach even further by not only paying for a fast lane to those houses that had internet, but also paying for a (Gregg-Company-only) fast connection to the houses of people who did not have internet access. This “free” connection went directly to the Gregg service portal. The Gregg company paid for these connections with the increased traffic that went to their store/music/web services and the increased ad revenue from what they learned about people using their services.

This looked something like an old-fashioned cable company – so it was allowed.

Phase IV

The Gregg Company decided to keep expanding its offerings. Each quarter new services (news, weather, movies, TV, etc) were made available on its Gregg-only connection to the houses.

After a bit, the Gregg Company decided to add free passage to the Internet through its portal. It was not a portal to the *whole* internet, just to places that the Gregg Company felt were appropriate to its sensibilities. No illegal content, or pornography, etc. They advertised it as a ‘Safe equivalent to the Internet’. “All the benefits of the Internet without the dark side”.

In the beginning the filtering is very light. And because of its reach and customer base (including houses that aren’t otherwise on the Internet), most Internet websites were fine with linking their sites to/through the Gregg Company portal in order to access the large base of users available only through the portal.

Because the Gregg Company was limiting content, some people avoided it. Others avoided it because they knew that the Gregg Company monitored everything that went through its portal.

But the “GreggNet” was free and fast, and many already felt comfortable giving up privacy in exchange for free service. “Aren’t we already doing this with Facebook, and Google Search, and other free web apps”? they said. So while some stayed away – others were fine with this.

Soon even people who used to pay for regular Internet dropped their paid internet access and moved to the free GreggNet. After all, it had everything they were looking for and wanted. And it was FAST. And it was FREE. They could go to the

library or a coffee house or a neighbor's house if there was ever anything they wanted that isn't available on or through GreggNet – but there rarely is.

Since this was an 'information service' and not telecom, there is no telecom regulatory oversight.

Phase V

A sizeable portion of the population was now on GreggNet. Maybe 20%. Maybe 40%. It was free, fast and had what they want.

The Gregg Company continually tweaked its 'appropriate content' settings, and its license settings. Some people left but others did not mind or did not notice. It was fast and good enough. And it was "safer" for their children. And was free.

The Gregg Company then tried an experiment to see if it could bias the way people feel about things – and their actions – through very subtle differences in what GreggNet and the Gregg Portal served to them. The differences tested were both qualitative and quantitative (e.g. balance between two sides). They did surveys and identify matched pairs of people or communities that felt the same way about something. Then they saw if they could change how the people think – and act – without anyone noticing. And it worked. And the Gregg Company held 20% of the market and growing.

Epilog

At this point the Open Internet is still out there - and has 'net neutrality'. But it costs money, so many are not on it. And it is slower – so many do not use it – in favor of GreggNet (or its clones). Everyone is on a FAST 'cleaned up' (according to the providers) information service (that is not open.) And the information that that portion of society sees, and hears, and has access to, is shaped - but not necessarily in ways that are obvious to those using it.

Government tries to legislate or regulate to prevent these problems, but once the door was opened to this general practice (special internets on the internet), it became a cat-and-mouse game between companies and regulators to open-up and close loopholes. Unfortunately, industry moves much faster than regulation, and, like water running downhill, commerce/profit always finds ways around barriers that are put in place to block specific practices, especially in this field of rapidly changing technologies.

Couldn't this happen without fast lanes?

- No. The underlying driver is that GreggNet is Faster and Free. Also, it is the Fast Lane (special treatment of content on the Internet – that is different than other content on the Internet) that allowed the Gregg Company to set up the GreggNet that only provided access to their content.

What is to prevent this from happening independent of the Internet?

- The way this is possible is by having this service run as a premium service on existing Internet (but in special fast lanes). Trying to build the GreggNet by building a separate physical infrastructure/connection to each house would be cost prohibitive and take too much time, whereas buying a Fast Lane on the existing physical infrastructure allowed them to move at virtual speed.

What if we require any Fast lane to ALWAYS include a slow lane?

- If the fast lane has news and services that are fast and the slow lane has news and services that are slower, which one will you use? What if you don't notice that the fast lane news is different than the slow lane? Couldn't using speed (much better speed/ responsiveness) be used to coax people toward content that you prefer that they read? Or toward products that a company prefers that users buy? Would such a system provide a level playing field for the ideas from people with less money (who can't buy fast lanes)? Or products or services from companies with less money?

We see this effect to some extent already with the convenience of Amazon. But that is no different than shopping malls. But what if shopping malls could pay to have the roads to their shopping mall be faster than the road to all their competitors by paying road building in the city focus on building roads to its mall with less attention to the roads to their competitors.

But if there is no impact on the "regular lanes" how does having fast lanes hurt?

- If there are only regular lanes, and they are jammed up – users put pressure to have them better provisioned (to widen the roads if you will). But if road builders get extra money to create fast lanes – there isn't the same incentive to speed up the regular lanes. In fact, the greater the difference between the fast lanes and the slow lanes, the more valuable the fast lanes are.

This assumes there is no competition. What if there are multiple companies that do this?

- One company is used here for simplicity. But if there are two or three big firms battling it out, the result is the same. Somewhat more choice, but without regulation, there is still the decrease in competition on slow lanes and a decrease in motivation to speed up the "regular" open Internet.

Questions

- Is better provisioning a better solution than fast lanes? Will fast lanes prevent better provisioning?
- Would requiring that internet speeds be sold as minimums rather than maximums lead to better provisioning and speed?
- Why is the US so far behind so many other developed countries?
- Are fastlanes an example of short term gain for long-term loss?
- Do fast lanes set a precedent for special lanes through the Internet that have other unintended consequences?
- Any of the paths to approaching the problem by granting specialized access to the road to solve congestion may be less beneficial in the long run than trying to broaden the road. Even banning all heavy traffic from small roads might be better because it would lead to rapid addressing of the problem – while maintaining the diversity and equality of access.
- Providing lower price for 12 months is a very effective method for getting people to sign up to services that are more expensive later. Even when we know the costs are going to be higher later – we are drawn-in by this. Is this what is happening here?
- If we ever permit ‘special lanes’ would we ever be able to get them if they are a bad idea?

Closing Remarks

This contribution is intended to open up a dialog – and to spur thinking about unintended consequences from making such a fundamental change to the Internet. It is based on the natural forces of commerce and free-enterprise that drive our country. This is not meant to address all contingencies or potential paths through these topics – but to broaden the discussion.

A continuing dialog on this will be posted at <http://trace.wisc.edu/netneutrality>

Respectfully Submitted

/s/

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